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MAY 15 2006

PATENT APPLICATION  
Docket No. 2705-187

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Peter Michael Gits, et al.

Conf. No. 9267

Serial No. 09/882,221 Examiner: Thomas Duong

Filed: June 15, 2001 Group Art Unit: 2145

For: NET LURKERS

Date: May 15, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed April 14, 2006, finally rejecting claims 11-14, 16, 18-19, 27-31 and 38-45. The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

other than a small entity  
 small entity. Verified statement  attached  already filed on \_\_\_\_\_.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

|                                     |                           |       |            |            |           |          |
|-------------------------------------|---------------------------|-------|------------|------------|-----------|----------|
| <input type="checkbox"/>            | small entity              | \$250 |            |            |           |          |
| <input checked="" type="checkbox"/> | other than a small entity | \$500 | 05/16/2006 | TL0111     | 00000056  | 09882221 |
| Notice of Appeal fee due            |                           |       | \$ 500     | 01 FC:1401 | 500.00 OP |          |
|                                     |                           |       |            | 02 FC:1251 | 120.00 OP |          |

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### 3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of #1.136 for patent applications 37 CFR 1.191(d). But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(e) for extension of time in reexamination proceedings.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(a)  Applicant petitions for an extension of time under 37 CFR 1.17 (a)-(d) for the total number of months checked below:

Extension Fee:

|                                     | <u>Months</u> | <u>Small Entity</u> | <u>Other Than Small Entity</u> |
|-------------------------------------|---------------|---------------------|--------------------------------|
| <input checked="" type="checkbox"/> | one month     | \$ 60.00            | \$ 120.00                      |
| <input type="checkbox"/>            | two months    | \$225.00            | \$ 450.00                      |
| <input type="checkbox"/>            | three months  | \$510.00            | \$ 1020.00                     |
| <input type="checkbox"/>            | four months   | \$795.00            | \$1,590.00                     |

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

**Extension fee due with this request                   \$ 120**

or

(b)  Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 4. TOTAL FEE DUE

The total fee due is :

|                        |        |
|------------------------|--------|
| Notice of Appeal fee   | \$ 500 |
| Extension fee (if any) | \$ 120 |

|                      |               |
|----------------------|---------------|
| <b>TOTAL FEE DUE</b> | <b>\$ 620</b> |
|----------------------|---------------|

**5. FEE PAYMENT**

- Attached is a PTO-2038 in the sum of \$620.
- Any deficiency or overpayment for extensions of time or claims should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

*Julie L. Reed*

Julie L. Reed  
Reg. No. 35,349

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I hereby certify that this correspondence  
is being transmitted to the U.S. Patent and  
Trademark Office via facsimile number  
(571) 273-8300 on May 15, 2006.

Signature

*Janet Sullivan*  
Janet Sullivan